

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

U.S. BANKRUPTCY COURT  
FILED  
NEWARK, NJ

2023 OCT 17 A 11:20

In re:

BED BATH & BEYOND INC., et al.,  
Debtors,

Case No.: 23-13359 (VFP)

Chapter 11

Date: October 24, 2023  
Time: 10:00 a.m. (ET)  
Courtroom: 3B

JEANNE A. NAUGHTON  
BY: DEPUTY CLERK

**DECLARATION OF PETER YU IN SUPPORT OF CREDITOR COUNTY OF  
CONTRA COSTA TREASURER TAX COLLECTOR'S RESPONSE TO  
DEBTORS' SECOND OMNIBUS OBJECTION**

I, Peter Yu, declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters, I believe them to be true, and if called upon to testify herein, I could and would competently testify as follows:

2. I am employed by the County of Contra Costa ("County"). I have been employed by the County since February 1, 1997. I am the Division Chief of the Business Division with the County of Contra Costa Assessor. My responsibilities include overseeing the assessment of business personal property, Manager of the Audit Program, and oversee resolution of business personal property assessment appeals.

3. The Assessor is required to annually assess taxable business personal property as of the lien date (January 1st). Business Personal Property includes all "Equipment out on lease, rent, or conditional sale to others" used in the operation of a business. Business Personal Property is reported to the Assessor annually on a form known as the Business Property Statement (Form 571-L).

4. Form 571-L constitutes an official request from the Assessor for the

1 taxpayer to declare all assessable business property situated in the county which the  
2 taxpayer owned, claimed, possessed, controlled, or managed on the tax lien date, and that  
3 the taxpayer signs (under penalty of perjury). Failure to file the statement during the time  
4 provided in section 441 of the Revenue and Taxation Code will compel the Assessor to  
5 estimate the value of your property from other information in the Assessor's possession  
6 and add a penalty of 10 percent of the assessed value as required by section 463 of the  
7 Revenue and Taxation Code.

8 5. I am familiar with the tax records maintained by the Assessor in the normal  
9 course of business and specifically with information requested by the Assessor or  
10 furnished in the Property Statement.

11 6. As of January 1, 2023, Debtors operated two retail store locations in the  
12 County of Contra Costa.

13 7. Based on my review of the Assessor records it appears that Debtors  
14 submitted a Business Property Statement for 2023 to the Assessor dated May 8, 2023.  
15 The statement was signed under penalty of perjury by their VP of Tax. Based on my  
16 review of Assessor records, I determined that the Assessor assessed the Debtor's property  
17 exactly as it was reported by Debtors for the 2023 fiscal year. Pursuant to Revenue and  
18 Taxation Code Section 451, the Assessor is required to keep the information in the  
19 property statement secret, and therefore, cannot disclose any further details or produce a  
20 copy of the statement.

21 8. The Tax Collector issued unsecured tax bills for the personal property and  
22 fixtures located within the two different locations operated by Debtors for fiscal year  
23 2023. The tax bills issued are 028428 and 008599 in the amount of \$9,399.81. These tax  
24 bills are based on the values from the unsecured roll enrolled by the Assessor.

25 9. The debtors incurred the tax liabilities claimed due pursuant to California  
26 Revenue & Taxation Code §§ 2191.3, 2191.4 and 2193.

27 10. Pursuant to California Revenue and Taxation Code Section 2922, Unsecured  
28 (Personal) Property Taxes are due upon receipt of the Unsecured Property Tax Bill and

1 are last due without penalty on August 31.

2 11. If a taxpayer disagrees with the value established for a property, they should  
3 discuss the issue with the Assessor's staff in the county where the property is located. If  
4 an agreement cannot be reached, then taxpayers have a right to appeal the value under  
5 certain circumstances and limitations.

6 12. Debtors' deadline to file a personal property appeal application for the 2023  
7 year is November 30, 2023.

8 13. To date, Debtors have not contacted the Assessor's Office to discuss their  
9 valuation, nor have they filed an Appeal Application for the 2023 tax year.

10 14. In appeals involving personal property and fixtures, it may be necessary for  
11 the assessor to perform an audit of the taxpayer's records to reach a final value  
12 conclusion. The Assessor would also be required to appear at the hearing to defend its  
13 valuation, only after the taxpayer met its burden, and would do so based on accepted  
14 valuation methodologies prescribed within the Revenue and Taxation Code.

15 15. I reviewed the declaration submitted by Debtors in their Second Omnibus  
16 Objection. Debtors do not appear to base their valuation on any accepted valuation  
17 method within the Revenue and Taxation Code. Instead, the valuation is based on post-  
18 lien date sales while the Debtors were insolvent.

19 16. A valuation hearing in New Jersey would be very burdensome on the  
20 Assessor. Assessor staff is located exclusively in the County of Contra Costa within the  
21 State of California. Assessor staff only appear in administrative proceedings before the  
22 Assessment Appeals Board, which are not formal court proceedings.

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1 17. The County's legal advisor is the County Counsel, and Assistant County  
2 Counsel, Rebecca Hooley is the specific legal advisor to the Assessor. Ms. Hooley is not  
3 barred in New Jersey and is unable to represent the Assessor at a valuation hearing in a  
4 New Jersey court.

5 18. Uniformity of Assessment is of the utmost importance to the Assessor and  
6 required under the California Constitution. This uniformity will be placed at risk should  
7 an out of state court, rather than our local Assessment Appeals Board, make a valuation  
8 determination at a hearing without the Assessor present, and based on valuation methods  
9 that are not accepted under the Revenue and Taxation Code.

10 I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct.

12 Executed this 16 day of October 2023, at Martinez, California.

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Peter Yu



1 PROOF OF SERVICE  
(Code Civ. Proc., §§ 1012, 1013a, 1013b, 2015.5; Fed. Rules Civ.Proc., rule  
2 5(b).)

3 Re: In re: Bed Bath & Beyond Inc., et al., Debtors  
4 United States Bankruptcy County, District of New Jersey  
Case No. 23-13359 (VFP)  
Chapter 11

5 I am a resident of the State of California, over the age of eighteen years,  
6 and not a party to the within action. My business address is Office of the County  
Counsel, 1025 Escobar Street, 3rd Floor, Martinez, CA 94553. On October 16,  
7 2023, I served the following document(s) by the method(s) indicated below.

8 **DECLARATION OF PETER YU IN SUPPORT OF CREDITOR COUNTY**  
9 **OF CONTRA COSTA TREASURER TAX COLLECTOR'S RESPONSE**  
10 **TO DEBTORS' SECOND OMNIBUS OBJECTION**

11 ☒ **By e-mail or electronic transmission.** I caused such document(s) to be  
12 emailed or electronically transmitted from e-mail address  
[Eric.Suitos@cc.cccounty.us](mailto:Eric.Suitos@cc.cccounty.us) between the parties and/or as a courtesy, I sent the  
13 document(s) to the person(s) at the email address(es) listed below. I did not  
receive, within a reasonable time after the transmission, any electronic message  
or other indication that the transmission was unsuccessful. Transmission via  
electronic mail was consistent with the requirements of California Rules of Court  
8.71.

14 Warren A. Usatine, Esq. 15 Felice R. Yudkin, Esq. 16 COLE SCHOTZ P.C. 25 Main Street Hackensack, NJ 07602-0800 E-Mail: <a href="mailto:wusatine@coleschotz.com">wusatine@coleschotz.com</a> <a href="mailto:fyudkin@coleschotz.com">fyudkin@coleschotz.com</a> 17 18 Attorneys for Debtors	
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19 I declare under penalty of perjury under the laws of the State of California  
20 and the United States of America that the above is true and correct. Executed on  
October 16, 2023, at Martinez, California.

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23 Eric Suitos  
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